

**MINUTES OF THE REGULAR MEETING  
OF THE EDINA PLANNING COMMISSION  
JANUARY 7, 2004, 7:30 PM  
EDINA CITY HALL COUNCIL CHAMBERS  
4801 WEST 50<sup>TH</sup> STREET**

**MEMBERS PRESENT:**

**Chair Gordon Johnson, John Lonsbury, David Bryon, Helen McClelland,  
David Runyan, Geof Workinger, Stephen Brown and William Skallerud**

**MEMBERS ABSENT:**

**Ann Swenson**

**I. APPROVAL OF THE MINUTES:**

The Minutes of the November 26, 2003, meeting were filed with corrections.

**II. OLD BUSINESS:**

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<b>S-03-9</b>	<b>Curt Fretham Preliminary Plat Approval 6800 Indian Hills Road</b>
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Mr. Larsen reminded Commission Members at their last meeting they heard a two-lot subdivision request from Mr. Fretham but at that time it was found double dwelling unit lots were used when calculating neighborhood medians. City code excludes double dwelling unit when calculating neighborhood medians therefore the meeting was continued to the next meeting of the Commission.

Mr. Larsen reported at this time Mr. Fretham has re-calculated the neighborhood medians and the proposed subdivision continues to comply with all size requirements except for width on Lot 1. Mr. Larsen concluded if the commission decides to recommend approval of the proposed plat approval should be conditioned on final plat approval and subdivision dedication.

The proponent, Mr. Curt Fretham, Mr. Brad Pedersen, property owner, and interested neighbors were present.

Mr. Fretham, 4934 Baker Road, Minnetonka, MN, told the commission he met with neighbors Monday evening. He explained as a result of commission comments and meeting with the neighbors one curb cut with drive is proposed to

serve both lots. Mr. Fretham said lot dimensions were re-calculated with lot width 116 feet, lot depth 196 feet and lot area 29,857 square feet, with Lot 1 still requiring a lot width variance. Continuing, Mr. Fretham reported building pads and the one curb cut/driveway have been staked enabling neighbors and visitors to better visualize where the proposed homes will be built along with the curb cut/driveway location.

Commissioner Runyan asked Mr. Fretham if he considered moving the proposed driveway to line up more with the existing driveway and curb cut. Mr. Fretham with the aid of graphics explained the proposed approach is located in an area where the grade is at its flattest point. Mr. Fretham said there only would be one curb cut for both properties and the intention is to remove the existing curb cut. Commissioner Runyan commented when visiting the site he observed markings in the snow indicating building footprints and asked Mr. Fretham the size of the proposed homes. Mr. Fretham responded he believes the footprint of each home will be around 2,500 square feet. When completely constructed a house could be up to 7,500 square feet especially if it is a two story home.

Mrs. Prevot, 6728 Indian Hills Road, acknowledged meeting with the proponent adding she hopes a rambler style home as mentioned at the neighborhood meeting will be constructed on Lot 2. Mr. Fretham responded at this time his intent is to construct a rambler style home on Lot 2 and a 2-story home on Lot 1. He said if one views the property that scenario lends itself well to the topography.

Mr. D. Wothe, 6804 Indian Hills Road, told the commission he feels the proposed lots are too narrow compared to the majority of lots in the immediate area. Continuing, Mr. Wothe said in his opinion support for the proposal, which includes a variance, does not meet the hardship criteria as indicated by city code. Mr. Wothe said he has another concern with regard to driveway/curb cut placement and that the proposed drive will be as steep as the existing drive creating unsafe access onto Indian Hills Road. Mr. Wothe reported he jogs along Indian Hills Road and wants assurances clear view, etc. will be maintained for the proposed lots if approved.

Mr. Joslyn, 6718 Indian Hills Road, told the commission his concern is also with the driveway entrance. He said he wants some assurance the driveway will be placed and designed as depicted. He pointed out if approved, once these lots are sold the new owner may desire a different scenario for driveway placement and also house style and house placement.

Chairman Johnson responded that while a buyer may decide on house style setbacks dictate where a house can be located. Chairman Johnson also explained if this subdivision were to be approved and if the commission recommends subdivision approval subject to one driveway/one curb cut serving both lots that is what will be constructed. Concluding, Chairman Johnson said

planning, engineering, and building departments as part of the subdivision process require permits and review of all construction and grading plans etc.

Mr. Joslyn stated in his opinion with the development of Brendan Glenn added into the neighborhood mix lot sizes were further reduced possibly reducing the need for variances. Chairman Johnson explained the subdivision ordinance requires that new lots meet/and or exceed the 500-foot neighborhood standards. Achieving the neighborhood standards requires calculating lot dept, width and area of all lots that fall within 500 feet of the permitted of a subject site. It is true that sometimes variances are approved during the subdivision process but variances are not necessarily bad if there are legitimate reasons behind them. Chairman Johnson acknowledged subdivisions do create change. Mr. Joslyn commented that if the subdivision of this lot is approved the 500 foot neighborhood will change again. Chairman Johnson said that is correct but city ordinance provides property owners with the opportunity to subdivide if certain standards are met, and that is how neighborhoods are developed.

Commissioner Runyan commented if the subject site is developed as depicted it appears the proponent is retaining the majority of large Oak trees, which is a positive point.

Mrs. Prevot, 6728 Indian Hills Road, reiterated she prefers to see a rambler constructed on Lot 2. Continuing, she added if the commission decides to approve this division she supports the way the lots are divided and where the driveway is located on the plans. She pointed out along the common lot line between her property and Lot 2 there is a retaining wall and a large stand of trees that should be retained. Concluding, Mrs. Prevot said as depicted she also believes the proposed building footprints are placed appropriately.

Mr. Fretham said his goal is to develop the site as indicated but cautioned house style would be left up to future homeowner(s). Mr. Fretham stated he also plans to retain as much vegetation as possible along the retaining wall between Lot 2 and the Prevot property. Mrs. Prevot said she would feel more comfortable if a conservation easement could be placed along the common lot line and approval be conditioned on one driveway servicing both lots.

Mr. Larsen responded in Indian Hills there are conservation easements especially along city right-of-ways. Mr. Larsen said what couldn't be imposed on the subject lot(s) are greater standards then the standards placed on neighboring lots.

Chairman Johnson said development should serve the best interest of all parties. Mrs. Prevot stated she doesn't know the process very well and wants some assurances the lots will be developed as depicted. She reiterated she would also like to see a conservation easement placed along the common property line.

Commissioner Byron clarified when talking about variances there is a difference between variances from the subdivision ordinance and variances from the zoning ordinance with each variance process handled differently. He explained this evening the commission is being asked to recommend approval of a subdivision that requires a variance for one lot from lot width. Commissioner Byron said a subdivision in itself couldn't be considered a hardship. Mr. Larsen responded that is correct. Continuing, Commissioner Byron said it is understandable that adjoining property owners want some form of assurances on what will be constructed but at a preliminary hearing not all those facts are available. Commissioner Byron acknowledged at this stage in the process there are a lot of "what ifs".

Mr. Fretham reiterated his goal is to construct a rambler on Lot 2 and a two-story home on Lot 1. He explained the topography lends itself to that type of development. Mr. Fretham said when one views these lots they still are very large even after the subdivision.

Chairman Johnson asked Mr. Fretham if he has any reaction to the request for a conservation easement on Lot 2. Mr. Fretham responded "not really". Continuing, Mr. Fretham said his concern is if he as a property owner and developer would lose control over what could be constructed. Mr. Fretham stressed he wants this site developed with integrity and lots maintain value when developed preserving the initial topography and vegetation. He said it is very important to him to work with the neighbors in finding the right formula in constructing the very best homes for this site.

Commissioner McClelland asked Mr. Larsen the type of easements that usually are placed on properties. Mr. Larsen said there are two easement restrictions usually used. Open Space and Natural. Commissioner McClelland commented when hearing a subdivision, especially when a variance is required, a "give and take" scenario could be reached. She pointed out the variance could be manipulated to create more even lots if so desired. Continuing, Commissioner McClelland said in her opinion, from the street it would be extremely difficult for the naked eye to perceive the difference in lot width between the proposed lots and even the difference in lot width in the immediate area on that side of Indian Hills Road. Commissioner McClelland pointed out the lots in this area are very extreme with some very narrow lots and three to four homes being serviced from a single driveway off Indian Hills Road thereby creating lots without any street frontage. She explained the platting in this area was done to ensure most lakeside properties views of the lake. She noted some lots in the immediate area do not even have frontage on an approved roadway. She stated this places the commission in a difficult situation of saying yes to some, no to others. Mr. Fretham reiterated he is more than willing to work with the neighbors in developing the best sites possible.

Commissioner Brown said as he views this proposal this neighborhood is comprised of at least five different neighborhoods, agreeing it is a difficult lot and difficult area. Continuing, Commissioner Brown said he struggles with redevelopment and the down sizing of lots in the community on a whole, not just this one proposal. Commissioner Brown noted Edina is a mature community and at some point the commission and council should sit down and discuss the direction of the city with regard to redevelopment of our larger single-family lots. Commissioner Brown said this is not an easy decision and he has initial reservations on subdividing every large lot left in the city.

Commissioner Byron acknowledged redevelopment is a balance and the need for a variance for this proposal may keep the lots in the best alignment forcing the correct placement of homes.

Commissioner Brown commented he is really unsure if this lot should be developed. He reiterated he has difficulty in the down sizing of lots in Edina. He concluded he would like to speak with the council about his concerns.

Chairman Johnson said as he views this proposal it is a difficult and unique lot. The lot as it exists is large and after subdivision two large lots remain albeit narrower. He pointed out the lots on Indian Hills Road as they are arranged around Arrowhead Lake are so varied the lots resulting from this proposal are not that unusual. Continuing, Chairman Johnson said the developer responded to comments from the last meeting and it appears the lot configurations conform to the neighborhood.

Mr. Wothe, 6804 Indian Hills Road, stated the proposed lots would still be very narrow with limited street frontage. Continuing, Mr. Wothe said another concern of his is that the houses constructed on these lots will be long and narrow and he stated the lot to perimeter ratio is something that should also be looked at.

Thomas Fretham, proponents brother, clarified regarding the median lot width the commission should remember width is calculated 50 feet back from the front property line and our intent is to construct homes farther back on the lot from that mark. Mr. T. Fretham reported the entire value of these lots and all lots along the lake is the lake view and we have no intention of sliding the proposed homes closer to the street. Mr. T. Fretham added the intent is to preserve the site and to ensure one driveway is constructed to service both lots. Continuing, Mr. T. Fretham said an easement is proposed over the shared driveway on each lot. Construction of homes is planned as previously mentioned - a rambler style home on Lot 2 and a two story home on Lot 1. With regard to the driveway - the driveway placement as indicated best suits the site. The grade of the existing driveway is twice the grade of the proposed location. Mr. T. Fretham also pointed out the two lots are very large even if the lake is included. Water figures

into the calculation on all lots around the lake. Concluding, Mr. T. Fretham said the proposed homes are planned to be sold upwards of 1.5 million dollars.

Mrs. Prevot said she would like the lot configurations left as depicted not more evenly addressed as previously mentioned by a commission member. She added Lot 2 should be left as depicted because if narrowed future house placement would encroach on the existing trees and retaining wall. Mrs. Prevot said that is one reason she believes Lot 2 is proposed with the greater width. Concluding, Mrs. Prevot told the commission homes in the area go for at least 1.5 million and they aren't new homes, these homes will sell for more in her opinion.

Mr. Joslyn said the way things are it could be possible that a swimming pool could be constructed in front of the new homes. After a brief discussion the commission explained if approved the new lots would be under the same restrictions as the neighboring properties, they will not receive special treatment as a result of subdivision approval.

Mr. Brad Pedersen, property owner of 6800 Indian Hills Road, told the commission the sale of his lot is contingent on subdivision approval from the commission and council. Mr. Pedersen explained when he purchased this property he purchased it with his fiancée and that relationship didn't work out, adding he is now forced to sell incurring a loss. He said he realizes finances are not considered in the review process but this property has become a financial hardship for him. He concluded the house just isn't conducive for remodel and the subdivision of this property seemed the best approach. It's a large lot and even after subdivision the lots would be similar in size to the adjoining properties.

Commissioner Brown moved to recommend denial of S-03-9. No second was made to the motion.

Commissioner McClelland moved to recommend approval of S-03-9 subject to staff conditions for final plat, and subdivision dedication, and 3) that the new driveway be curved in such a way as to end up where current drive and curb cut is, 4) to make language available for a perpetual easement in order for it to remain one driveway servicing both lots, 5) a 40 foot conservation easement, (not as intent on it) and 6) grant variance subject to either making it a more even arrangement between lots or having one lot conforming and one lot non conforming. (Leave variance language up in the air).

Commissioner Lonsbury asked if he could amend the motion. Commissioner Lonsbury moved to second the motion for purposes of discussion. Continuing, Commissioner Lonsbury said he supports the motion except for numbers 5 and 6. After a brief discussion Commissioner McClelland said she would withdraw points 5 and 6.

Commissioner Workinger said in his opinion telling the developer where to put the driveway is not the business of the Commission. Continuing, Commissioner Workinger said he is not sure what directed the proponents to locate the curb cut where depicted but said the commission should have faith that the developer would not do anything that would reduce the value of the property. Commissioner Workinger said he would like to have point 3 removed or amended and moved to strike #3. Commissioner Byron seconded that motion for discussion purposes. Commissioner Runyan said in his opinion two curb cuts aren't needed. Commissioner Workinger clarified he isn't advocating two curb cuts. He wants only one curb cut on Indian Hills Road but wants to leave the location of that curb cut up to the developer. Continuing, Commissioner Workinger said if he remembers correctly from the discussion thus far the proposed curb cut and drive location minimizes trees loss and the grade in that area is reduced by half. Mr. Fretham told the commission he doesn't have a problem moving the driveway to line up with the existing driveway and curb cut if the commission feels strongly about that, but it is felt the proposed location best suits the site. Mr. Fretham reiterated he is willing to do what the commission wants. He stressed his proposal is for one driveway one curb cut with the existing curb cut and driveway removed and landscaped. Commissioner Workinger stated he never meant two driveways with two curb cuts, he just doesn't want the commission to dictate placement of the curb cut and driveway and to place faith that the developer will locate the driveway and curb cut in the best area. Commissioner Byron said amending point 3 to say approval is for a single curb cut and driveway without dictating placement. Commissioner Byron said point 3 should be clearly stated approval is for a single curb cut/single driveway servicing both lots. Commissioner McClelland and Commissioner Lonsbury accepted an amendment that #3 read a single curb cut/driveway. Commissioner Lonsbury pointed out if approved final plat approval is where everything will be ironed out.

Commissioner McClelland said for clarification her motion is to approve S-03-9 subject to final plat approval, subdivision dedication and the site be developed with a single curb cut /driveway servicing both lots with a perpetual easement.

Commissioner Brown reiterated he has a problem with this and questioned why the commission feels it needs to approve this, it just doesn't make sense. Chairman Johnson pointed out the motion for approval has not yet been voted on adding Commissioner Brown may be correct in his assumption that the commission is leaning toward approval. Commissioner Brown reiterated he is struggling with this issue.

Chairman Johnson said he agrees it is not the job of the commission to determine Mr. Fretham's or Pedersen's economic situations. That is something the commission does not consider when making their decision. Continuing, Chairman Johnson said the commission only makes their decision on what is

best for the community as a whole and the neighborhood. Chairman Johnson reiterated a motion was put before the commission to deny the subdivision request, which failed for lack of second. Commissioner Brown said he wants the council to relay to us what their long-range goals are for the city. Commissioner Brown reiterated in his opinion feeling the need to approve this request just doesn't make any sense.

Commissioner Byron pointed out the commission can discuss Commissioner Brown's issue all evening with merit, but it should be realized if the commission approves this it is not saying the subdivision "makes sense". Continuing, Commissioner Byron pointed out what the commission has before us this evening is an application from a landowner in the City of Edina requesting to create one new lot. Property owners in Edina are entitled by ordinance to request to subdivide their property, rezone it, seek a variance etc. and the commission and council are required to act on their application.

Commissioner Lonsbury said Commissioner Brown is not alone in his struggles. He pointed out all commission members struggle during the decision making process. Commissioner Lonsbury said he agrees with Commissioner Brown that the council should direct the commission on their vision for the city especially since Edina is almost fully developed. Commissioner Lonsbury said he encourages the chair to relay to the council the desire of the commission to sit down and hear the long range goals for the city, especially as it relates to subdivision of single family lots.

Chairman Johnson said a work session would be suggested between the council and commission acknowledging as the city continues to go through redevelopment stages the council and commission must be on the same page.

Commissioner Skallerud asked Mr. Fretham if he understands the conditions of approval and agrees with them. Mr. Fretham said he understands what has transpired.

Chairman Johnson said motion to recommend approval was moved and seconded approval is conditioned on final plat approval, subdivision dedication and a single curb cut/driveway to serve both lots. Ayes, Lonsbury, Byron, McClelland, Runyan, Workinger, Skallerud, Johnson. Nay, Brown. Motion carried.

### **III. ADJOURNMENT:**

The meeting was adjourned at 9:05 PM



Jackie Hoogenakker